(1)

Supreme Court, U.S.
FILED

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OFFICE OF THE CLERK

No.

IN THE

SUPREME COURT of the UNITED STATES
October Term, 1998

SHERRY BROOKS,

Petitioner

vs.

THE GAS COMPANY, RICHARD FARMAN FOR ROBERT MELE; TOTAL QUALITY STAFFING for BARKSDALE, INC. and DOES I-X, inclusive,

Respondents.

On Petition For Writ of Certiorari
To The United States Court of Appeals
For the Ninth Circuit
San Francisco, California

PETITION FOR WRIT OF CERTIORARI

SHERRY BROOKS, Pro Per

1896 E. Covina Boulevard

Covina, California 91724

(626) 915-5365

28 pp

QUESTIONS TO BE PRESENTED

Whether Farman and (Senators he used) can regulate all executive branches in State and Federal by executing bribes to everyone and U.S. Commissions that approved him. His attorney Hirano seemed to have that power of pay-offs to Judge Mortimer calling for syndicates. Judge Byrne gave Keitel & Dr. Fukstein the right to further fraud Dick Farman by taking $500. sanction on office visit I appeared before (Mitsui Bank, my witness). Three Commissioners in San Francisco affirmed that action--Supreme Court Judge George would not help?

What, they have no dignity, victory, valor, or honor?

Ask them, can they stop molesting my face, etc. for bringing this up to you?

TABLE OF CONTENTS

Pages

Questions Presented for Review...1 - 4

Jurisdiction..... 4

Constitutional & Statutory Provisions Involved..... 4

Reasons for Granting the Petition..... 5

Conclusion.....5

Declaration..... 6 - 10

Appendixes.....11a - 24a

TABLE OF CITED STATUTE OF AUTHORITIES

Page

UAHC Chambers and Hiss, former State Department directors in 1948, against Senator Nixon..... 4

Pres. Clinton and Atty. General Reno, letters under separate cover in 1997, against Petitioner.....Surreptitiously Unlisted

TABLE OF APPENDIX

Pages

Appendix A--Petitioner's Response to lower courts judgment..... 11a - 20a

Appendix B--Decisions of lower courts filed Nov. 19, 1998 and Jan. 14, 1999..... 21a - 24a

QUESTIONS PRESENTED FOR REVIEW

1. Default Judgment should have been granted in Appellant, SHERRY BROOKS' favor. No doubt. An abuse of discretion the denial of Brooks' request of default judgment even when she requested a discovery motion prior to summary judgment. (See Appendix A--Response to Memorandum.)

2. Specific substanial evidence showing that The Gas Company, et. al. termination of me was preconceived was through the testimonies of my witnesses that Defensive judges would not hear because they pretextually denied me a trial and all my human rights associated with federal/state agents in Los Angeles; e.g. EEOC and Fair Labor that neglected to an failed to investigate racial and illegal dealings condusive to cooperating and lack of conformance/performance relative to my caucasian gender at work and at these several agencies. My witnesses knew about this racially work-related argument. This pattern of discrimination which Judge Byrne and constituents stated I could not prove, it is written simply, that I could prove racially pretextual hatred toward me with slanderous

remarks in their minority sector of their state-department-run operation. Mitsui Bank and Barksdale, Inc. aka Total Quality Staffing I was mistreated, maliciously so; and agin, same agents denied my human rights to a civilized, harmonious workplace.

This argument affected my disability rights and pretextual firing me after injury from employers preconceived work directives. Affirmation thereto consecrated their loyalty to denial of my work/human rights. I was a secretarial witness to Defendants conniving, illegal transactions that I witnessed by several of their party members, Keitel, Mele, and their minority leaders that came out of Personnel. Barksdale's Inc. pattern against me was physical abuse, brutally so with head injury. Again, EEOC & Fair Labor (federal agents) would not investigate a proper report. A few of my witnesses experienced them and were to be brought to the trial that was denied. Merit system failed, not me, based on foreign-owned structure and counterfeit executives I witnessed that lacked good leadership and gave false directives to Affirma-

tive Action program based on ability and quality that my competitors failed in this case. Judges bribes in private securities overwhelmed the legality and bylaws of their hypocratic oaths with lawyers affirmation; as in repercussion of the truth and I was not made aware of that settlement until after the MSJ's. I was denied Judge Dukes, why? Foreign laws pertained, and weighed heavily, in this case with Farman's dictatorship to Hirano and Mitsui Bank conglomeration to offset and sever American laws from their foreign policy and Hirano paid everybody off to achieve Farman's undermining purpose. Farman's and Hirano's other lawyers played a torturous role in inflicting pain among my public sector in schools and among the clergy that I am experiencing aftershock from their extreme malice that I can hardly contain myself which brings me to your alustrious courtroom and made me determined to pursue straightening out the record based on my good, clean, highly-skilled reputation. Doctors and lawyers have no cause based on merit. To undermine me was a mistake. This afterburning thought was

not. (See Appendix B--various letters showing a continued pattern of not being able to prove agency involvement and that pattern must cease immediately based on my merits and expertise. Dismissal of Total Quality questionable.

JURISDICTION

The date on which the United States Court of Appeals decided my case was no November 19, 1998, from San Francisco, California.

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

Establish justice among men and women, something we lost along the way because of former leaders in government and locally. Farman acts like a Nazi Party, Sovietly-tied--he has the Mexicans trained like them at The Gas Company and that is where Robert Mele resides, in Mexico now. It was a bold step for me to do a job about race! Untenable "Communist-Americans" I am fighting in Court and they lie even under penalty of perjury; i.e., UAHC Chambers and Hiss, former State Department directors in 1948 against Senator Nixon was evident and applicable to my Defendants in this case. Judge Byrne suspect Keitel, and I did recognize that, too.

REASONS FOR GRANTING THE PETITION

Would be based on the Argument of the Default Judgment that was overlooked by the Courts and should be in full force and effect and granted to me based on just that, Defendants both defaulting on the Summons and one Defendant was dismissed concerning bribes taken not by me.

CONCLUSION

The petition of a writ of certiorari should be granted and some sort of relief or remedy should be sustained to me in amount on original complaint for loss of livelihood and defamation of character that forced me to set this record straight among the upper chamber. As you can clearly see by my Declaration included herein, I have suffered too much for their fraud and deceit and they, the Defendants, should be on trial, as Judge Mortimer is making me pay them for a bribe he took. Retaliation on me continues and this is what Petitioner prays from the Court, to please put an end to the Defendants harming me. (See Questions Presented--i.)

Date: May 19, 1999

Sherry Brooks

SHERRY BROOKS, Petitioner

DECLARATION OF SHERRY BROOKS

1. I am a decent, good, loyal American woman with high skills and ideals that I utilized in a secretary capacity as I was trained to do.

2. I have a divine purpose to bring about an emancipated change during a Cold-War business world that I have experienced in Los Angeles area and recognized throughout this nation through U.S. Commissions; and specifically, the utilities as an example. I have learned that their counterparts are not of this free world and the manifestation of unfriendly business/university politics was introduced to me in a fashion unfit for my proper training and heritage that we knew our forefathers had fought for. Physical and mental manipulation in extreme application was forced on me for witnessing adverse, low standards in the system.

3. Without Union, we have nothing and the United States Constitution was not protested until I prosecuted this case to Court jurisdiction. Affirmative Action or fairness equality was <u>not</u> applied and you can stand firmly alone, or tear up the

Constitution because it is only a piece of paper according to my declarations and briefs that explained in lower Courts details of this emancipated proclamation brought to you, and the public that I tried to reach to regain our liberty and human rights to a qualified, upstanding workplace(s) that was denied me according to unwritten laws of foreign undecent structure in The Gas Co.'s business ventures. United States laws were strictly not applicable! No evidence, specified or unspecified, can justify high treason according to Dept. of Defense measures that Los Angeles staff requires. Bribes paid and taken by officials to disban this lawsuit or to be swiped up by injustices, was evident throughout state and federal negotiations and retaliation was what they gave me in return for their misdemeanors and obstruction and destruction of my human rights and well being. I have listed Commissions approving Farman and you know who they are--I have contacted every high official in the nation with no help to me with regards to their inflicting poverty, disease, and destruction of

our American freedoms as we know it. Let these high officials be a dungess to themselves without sacrifice!

4. Let right make right without interference of human equality that was denied me in this case. Liberty does not mean the same to them, tyranny does unlike their written policies. Defendants should not be my reliance because they have applied danger and unsafe acts on me. This case did not fail based on merits, this case lost liberty of freedom based on accumulation of wealth and re-allocated to their deceptive Commissioners, various types listed.

5. At what point of danger should we approach The Gas Co.'s unsafe health practices? The judges did not consider this because they knew that rights would soon all disappear! Opportunity for a trial was denied to express freedom of speech in the public sector. Destruction is their lot and they tried to get me to die by suicide as their physicians taught them to do and they paid for.

6. I will not give up my freedom nor be destroyed

by their American-Communists group in power today, and I cannot afford their hardship through their Central Bank unit! Therefore, I pray that the Court will not invoke any more financial burden on Petitioner to recognize and bring about this emancipated change as we once knew it.

7. Defendants in this case really needed to be reported to the Criminal Justice system and Commissions who should now be reviewing them. Let the IRS throw daggers at them through subpoenas regarding their employment records and prostitute funding to their staff party members. Why should I be burdened by their misconduct, fraud and deceit, etc. etc. any longer? Your Honor, I yield Defendants and their evil Sempra agents group over to your custody.

8. I refuse to be slandered by false accusations against me or my family. I ask that you return to the truth! I know there is a God and with God's help, I will not fail because of good, high ethics and skills I retained in the call of duty to myself and my countrymen and women.

I declare under penalty of perjury and the laws of the United States of America that the foregoing is true and correct to the best of my knowledge and belief.

Dated this 19th day of May, 1999.

Respectfully submitted,

Sherry Brooks

SHERRY BROOKS
Petitioner

APPENDIX A

SHERRY BROOKS

1896 E. Covina Boulevard

Covina, California 91724

(626) 915-5365

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

SAN FRANCISCO, CALIFORNIA

SHERRY BROOKS, Plaintiff-Appellant, vs. THE GAS COMPANY, RICHARD FARMAN FOR ROBERT MELE; TOTAL QUALITY STAFFING FOR BARKSDALE, INC. and DOES I-X, inclusive, Defendants-Appellees.	CASE NO.:97-56688 RESPONSE TO MEMORANDUM FILED NOV.19, 1998

TO: HONORABLES BROWNING, BRUNETTI, and THOMAS, Circuit Judges

I, SHERRY BROOKS, am duly qualified to extend my remarks in true light of the facts regarding this case; and, especially the relevant issue of the motion for default judgment and my request thereto. Everybody knows that according to strict

enforcement that the original Proof of Service was intact and appropriately served. Explanation through oral argument, which was denied would have proven a legal technicality. BOTH DEFENDANTS DEFAULTED IN ANSWERING COMPLAINT and Judge Byrne dismissed Total Quality Staffing bypassing this illegal entity. The Gas Company did not respond timely either. I cannot make it any clearer than that! My Motion to Compel Discovery was intentionally overlooked without ruling. Without hestitation I will write my brief speech on discovery now because of the laws governing the statutes on proof of service have been overlooked and I was denied a motion chance to pursue the request.

My process server served the original summons & complaint just like any other process server that accepts legal documents at The Gas Company or at Total Quality--each was handed, in person, a summons in this case to respond in 20 days to me and they did not respond--how could they get away with that rule of law? Attached hereto, marked as Exhibit 1, is a copy of the

original proof of service. Farman's lawyer Keitel lied and said he didn't receive it. Defendants' pattern of rogue perjury existed in State Court matter concerning $500. sanction to Fukstein their constituent and psychriatrist and Marusak's poison.

There is no deciding factor whether not to grant default judgment because Plaintiff did not fail any rules. The Defendants failed tremendously through power of the system that calls for the truth in justice and the U.S. Commissions that they used to formulate Sempra's top officer Farman-attached, marked as Exhibit 2, needs to be introduced as material evidence in discovery of sought-after constituents' files to expose the high misdemeanors check of $10,000. to Toby Chappell that these Commissions cleared. This is what I was to speak about at their trial you would not let me speak about and the contraption Toby wore for Farman in his office escapade of sex and deceit. This was to she darkness on trial and Plaintiff was and still is light source in this matter, righteously so.

The Default Judgment should have been decided and enforced and still should be enforced through your circuit.

Keitel failed Frap 44 (Clerk to notify Attorney General) wherein he is not for the United States--pretextual Appellee Mele is a Mexican citizen who Keitel arranged set-up through L.A. racial agencies in 1992. Discovery of pretextual material evidence was my testimony and Union cards showing they docked my pay through these two Yahoos that deceived everybody and made Farman sign checks for them--Total Quality Staffing introducing me to the mafia at Barksdale, Inc. that Doug Holland said he was in. How could they dismiss that from the L.A. agencies they use against me? Pretextual arrangement started in 1992 from Keitel & Mele. My testimony was specific and upholding and the National and Local Union knew about this. Court disallowed Plaintiff showing substantial Union cards docking my pay with Keitel's involvement considered pretextual? John Ferrone knew about this. How could I possibly fail if I was denied a fair trial? Employees records would show fraud of

cutting check for "quality references on employees" Toby Chappell with Frman's signature on it and work relations with his lawyers and with Total Quality Staffing, her employer. Staff employment subpoenas would show unqualified behaviorial habits and rating at time of Trial.

Keitel failed (uncleanly) Frap 46(a) based on merit and truth uprightly to abide by the Constitution of the United States. Barring me was evident and his purgury in Court converting with Dr. Fukstein $500. office sanction --Judge Mortimer's conviction.

My original proof of service was very persuasive evidence and, legally, I won! Neck and back ex-rays evidence are too persuasive and pattern of illegal firings from Mitsui Bank, The Gas Co., and Barksdale, Inc.

Objection to court costs and attorneys fees.

In conclusion, the Proof of Service in granting a default judgment was what I am arguing and still needs to be enforced throughout this entire case! Can you reinforce that among the Defendants/

Appellees? THE COURT CLERK WAS HAND-CARRIED THE ORIGINAL PROOF OF SERVICE AND ABUSIVE DECISION WHETHER TO GRANT DEFAULT JUDGMENT WAS MIXED UP IN THAT CIRCUIT.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct to the best of my knowledge and belief.

Dated this 3rd day of December, 1998

Respectfully submitted,

S/

SHERRY BROOKS
Plaintiff-Appellant

PROOF OF SERVICE OF SUMMONS AND COMPLAINT

CIVIL NO. 96-2934

FILED:

96 APR 29 AM11:39

CLERK U.S. DISTRICT
COURT CENTRAL DIST.
OF CALIF.
LOS ANGELES

I certify that I am authorized to serve the summons and complaint in the within action pursuant to F.R. Civ.P. 4(c) and that I served the summons and complaint as follows:

(TYPE OR PRINT)

1. Name and title of person served: The Gas Co. Law Dept.

2. Person with whom left: Title or relationship to person served: Agent for service of process.

3. Date and time of delivery: April 26, 1996

4. Mailing date; class of mail: Place of mailing:

5. Address, City and State: 633 W. 5th St.
Los Angeles, CA

(52nd Fl.) - Business

6. Manner of service, (Check applicable box and complete separate proof of service for each defendant served.) PERSONAL SERVICE

X PERSONAL SERVICE, by handing copies to the person served (F.R.Civ.P.4(d)

SUBSTITUTED SERVICE

X UPON AND INDIVIDUAL OTHER THAN AN INFANT OR AN INCOMPETENT PERSON, by delivering a copy of the summons and complaint to him personally or by leaving copies thereof at his dwelling house or usual place of abode with some person of suitable age and discretion then residing therein or by delivering a copy of the summons and complaint to an agent authorized by appointment or by law to receive service of process; or in a manner consistent with C.C.P. 415.20(b). F.R.Civ.P. 4(d) (1). (Attach separate declarations showing attempted personal service.)

I declare under penalty of perjury that the foregoing document is true and correct.

Executed at Los Angeles, State of California, this 26 day of April, 1996. s/ Evelyn S. Haas
Signature of person authorized to make service.

Fee for service $ n/a, Mileage $ n/a, total $ n/a

PROOF OF SERVICE OF SUMMONS AND COMPLAINT

CIVIL NO. 96-2934 FILED:

96 APR 29 AM11:39

CLERK U.S. DISTRICT COURT
CENTRAL DIST. OF CALIF.
LOS ANGELES

I certify that I am authorized to serve the summons and complaint in the within action pursuant to F.F. Civ.P. 4(c) and that I served the summons and complaint as follows:

1. Name and title of person served: (TYPE OR PRINT) Total Quality Staffing

2. Person with whom left: Title or relationship to person served: Agent for service of process.

3. Date and time of delivery: April 26, 1996

4. Mailing date; class of mail: Place of mailing:

5. Address, City and State: 13191 Crossroads Parkway Ste. 143 City of Industry, CA

6. Manner of service, (Check applicable box and complete separate proof of service for each defendant served.)

PERSONAL SERVICE

X PERSONAL SERVICE, by handing copies to the person served (F.R.Civ.P.4(d)

SUBSTITUTED SERVICE

X UPON AND INDIVIDUAL OTHER THAN AN INFANT OR AN INCOMPETENT PERSON, by delivering a copy of the summons and complaint to him personally or by leaving copies thereof at his dwelling house or usual place of abode with some person of suitable age and discretion then residing therein or by delivering a copy of the summons and complaint to an agent authorized by appointment or by law to receive service of process; or in a manner consistent with C.C.P. 415.20(b). F.R.Civ.P. 4(d)(1). (Attach separate declarations showing attempted personal service.)

I declare under penalty of perjury that the foregoing document is true and correct.

Executed at Los Angeles, State of California, this 26 day of April, 1996. s/ Evelyn S. Haas
Signature of person authorized to make service.

Fee for service $ n/a, Mileage $ n/a, total $ n/a

APPENDIX B

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED: NOV 19, 1998
Cathy A. Catterson, Clerk
U.S. Court of Appeals

SHERRY BROOKS,

Plaintiff-Appellant,

v.

THE GAS COMPANY; RICHARD FARMAN for ROBERT MELE; TOTAL QUALITY STAFFING,

Defendants-Appellees.

No. 97-56688

D.C. No.CV-96-02934-WMB

MEMORANDUM

Appeal from the United States District Court
for the Central District of California
William Matthew Byrne, Jr., Chief District Judge, Presiding

Submitted November 17, 1998**
Before: BROWNING, BRUNETTI, and THOMAS, Circuit Judges.

Sherry Brooks appeals pro se the district court's

* This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by 9th Cir.R.36-3.

** The panel unanimously finds this casesuitable for decision without oral argument. See Fed.R. App.P.34(a); 9th Cir.R.34-4. Appellant's request for oral argument is denied.

summary judgment for defendants, the denial of her request for default judgment, and the district court's failure to address a discovery motion prior to entering summary judgment, in Brooks' action alleging violations of Title VII, the Rehabilitation Act, and the Americans with Disabilities Act ("ADA"). We have jurisdiction under 28 U.S.C.§1291. We review de novo the district court's grant of summary judgment and its failure to rule on Brooks' discovery motion prior to summary judgment, see Bagdadi v. Nazar, 84F.3d 1194, 1197 (9th Cir. 1996) (summary judgment); Qualls v. Blue Cross of California, Inc., 22F3d 839, 844 (9th Cir. 1994) (discovery), and we review for an abuse of discretion the denial of Brooks' request for default judgment. See Eitel v. McCool, 782 F2d 1470, 1471 (9th Cir. 1986)(. We affirm.[1]

Because Brooks failed to produce "specific, substantial evidence" that her former employer's reason for terminating her employment was pretextual, the district court did not err by entering summary judgment on her Title VII race and gender discrimination claims and her ADA claim. Wallis v. J.R.

Simplot Co., 26 F3d885, 890 (9th Cir. 1994) (Title VII); see Collings v. Longview Fibre Co., 63 F.3d 828, 833 (9th Cir. 1995) (ADA).

Because Brooks failed to adduce any evidence that any appellee is a federal agency or the recipien of federal financial assistance, the district court did not err by granting summary judgment on her Rehabilitation Act claim. See 29U.S.C.§§ 791, 794. Brooks' contention that the district court abused its discretion by not granting her request for default judgment fails because of "the strong policy underlying the Federal Rules of Civil Procedure favoring decisions on the merits." Eitel, 782 F.2d at 1472 (enumerating relevant factors regarding whether court should grant default judgment).

Finally, because Brooks sought the employment records of various other employees without showing how the documents would shed light on the relevant summary judgment issues, the district court did err by granting summary judgment without ruling on her motion to compel discovery. See Qualls, 22 F.3d at 844. AFFIRMED.

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED: JAN 14, 1999

Cathy A. Catterson, Clerk
U.S. Court of Appeals

SHERRY BROOKS, Petitioner, v. THE GAS COMPANY; RICHARD FARMAN for ROBERT MELE; TOTAL QUALITY STAFFING, Respondent.	No. 97-56688 D.C. No. CV-96-02934-WMB ORDER

Before: BROWNING, BRUNETTI, and THOMAS, Circuit Judges.

We recall the mandate for the limited purpose of considering Brooks' document entitled "RESPONSE TO MEMORANDUM FILED NOV. 19, 1998," which we construe as a petition for rehearing. So construed, the petition is denied.

No further filings will be accepted in this closed appeal.